

LOS ANGELES POLICE DEPARTMENT

NICHOL R. MOORE
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Los Angeles, CA 900

Dear [REDACTED]:

The Los Angeles Police Department takes seriously its responsibilities under the California Public Records Act (CPRA) and embraces the CPRA's goal of promoting transparency and advancing the public's understanding of the workings of government. As you may know, the Department has undertaken recent efforts to improve its processing of CPRA requests, including the implementation of the NextRequest (CPRA processing platform) and adoption of a multi-track processing system. You are receiving this letter because you are a frequent and prolific requester of records under the CPRA, and the Department seeks to encourage and assist you in making requests that are more focused, specific and reasonable; so that they do not detract from the Department's ongoing efforts to provide quality and timely service to other members of the public who also seek public records.

As noted above, you frequently submit CPRA requests to the Department that are complex, vague, and/or overbroad, which create considerable burdens for the Department, and which significantly constrain the ability of some of the Department's staff to fulfill their other work responsibilities and efficiently serve other members of the public. For example, the Department estimates that, as of February 28, 2020, it had approximately eighty (80) open CPRA requests from you, which constituted forty percent (40%) of the Department's total open CPRA case load. The Department has since closed some of these requests, but you have submitted additional requests during this period as well, and the Department currently estimates that it has approximately ninety-three (93) open CPRA requests from you. In addition to the high volume of your CPRA requests, many of your requests are complex, vague, overbroad, and/or seek voluminous records – all of which requires Department staff to spend considerable time attempting to decipher what records you are seeking. Moreover, when Department staff can discern what records you seek, your requests often require extensive staff time to search for and collect voluminous documents, to review such documents for responsiveness and exemption determinations, and to make the necessary redactions for exempt information.

In reviewing your past and current requests, as well as information published on your internet blog, it has become increasingly apparent to the Department that some of your requests are intentionally designed to be unclear, confounding, and/or overbroad. For example, in a blog post published in August 2019, you stated that when submitting CPRA requests to the Department, you "don't ever like to let slip exactly what [you're] looking for," and therefore, you generally make overbroad requests. Such gamesmanship is wasteful of government time and resources, and discourteous to other members of the public who also have an interest in having their requests fulfilled promptly. Indeed, courts repeatedly counsel requesters against making overbroad CPRA requests and encourage them to submit specific and focused requests for the particular records they seek, in order to enable the agency to respond promptly and efficiently to all requests. (See *Rogers v. Superior Court*, 19 Cal.App.4th 469 (1993) ("It makes no sense to permit an individual to make a general, unfocused request for records to the public agency which will then be compelled to deny it, thereby ensuring litigation. The request to the agency must itself be focused and specific."); *Galbriato v. Great Public Utility Dist.*, 167 Cal.App.4th 1063, 1088 (2008) ("[A] person who seeks public records must present a reasonably focused and specific request, so that the public agency will have an opportunity to promptly identify and locate records and to determine whether any exemption to disclosure applies").

Therefore, if you know that you seek specific documents or disclosable information for a particular incident, you should submit a focused and specific request that asks for the precise records you seek. Doing so will prevent the Department from having to engage in unnecessary guesswork and will enable the Department to conduct a more efficient and focused search, thereby freeing up staff time and resources to assist other members of the public. Additionally, because the Department is processing CPRA requests in a multi-track approach that places simple or narrow requests in a separate queue from complex or overbroad requests, submitting a more narrowly-focused and specific request will enable the Department to respond to you more promptly.

Your request history and blog posts also indicate that you often ask interrogatory-style questions of Department staff, rather than or in addition to requesting Department records. As you have recently acknowledged, Department staff have been "incredibly kind" and have supplied you with information and records in response to some of your questions, even though the CPRA only requires public agencies to respond to reasonably focused and specific requests for records in an agency's possession and does not oblige agencies to answer questions or conduct research. (See *Galbriato, supra*, 167 Cal.App.4th 1063, 1088 (2008); see also *Sander v. Superior Court*, 26 Cal.App.5th 651, 655, 664-666, 669 (2018)). Going forward, the Department will reduce the amount of time its staff spend on answering such interrogatory-style questions and will focus instead on the portions of your requests that seek records.

Additionally, the Department's attempts to engage with you and to assist you in making more focused, specific requests have often been unfruitful or met with resistance. For example, when the Department's CPRA analysts seek to discuss your requests with you, you have refused to communicate with them outside of the NextRequest platform. When you engage in follow-up communications via NextRequest, the tone of your messages is often combative and

discourteous. The Department's difficulties in engaging with you is further compounded by the fact that many of your requests are submitted anonymously or using pseudonyms. Therefore, the Department requests that you cease submitting requests under pseudonyms or that if you seek to avoid having your name tied to your requests on the NextRequest platform that you indicate to the Department the pseudonyms you have used or intend to use.

In light of the above and in order to enable Department staff to fulfill all of their obligations, the Department will reasonably limit the amount of time its staff spends processing your open CPRA requests each week; so that staff can adequately devote its time to other requesters' CPRA demands and other work obligations. Just as California's other open government law, the Ralph M. Brown Act, permits a public body to limit the time a single individual may speak during a public meeting to ensure others may be heard and that the public body's business can be conducted, the Department is entitled to reasonably limit the disproportionate amount of time it spends processing your overbroad and complex requests to ensure that other members of the public have fair access to its staff's time and resources. [See *Energy Future Coalition v. Office of Mgmt. and Budget*, 200 F. Supp. 3d 154 (D.D.C. 2016) (noting that agency's plan to limit the amount of documents it reviewed in response to plaintiffs' public records request was "an economic and effective manner of reducing the current backlog" that was fair to the plaintiffs and enabled the agency to properly serve other requesters); *Judicial Watch of Fla. v. U.S. Justice Dept.*, 1998 U.S. Dist. LEXIS 23441 (D.D.C. 1998) (denying plaintiff's request for expedited treatment of its public records request, because doing so would "delay the processing of many other requests" and "other requestors also have an interest in obtaining the information they seek from government agencies in a timely manner")].

Finally, because the Department generally starts processing CPRA requests on a first-in, first-out basis within each processing track, it will begin the processing of your requests in the order they came in under the relevant queues, unless you indicate in writing that you seek your requests to be processed in a different order.

If you have any further questions regarding this matter, please contact Lieutenant II Marla Ciuffetelli, Officer-in-Charge of Discovery Section, Legal Affairs Division, at (213) 847-3584.

Respectfully,

MICHAEL R. MOORE
Chief of Police



BRYSON D. LUM, Captain
Commanding Officer
Legal Affairs Division